

DEPARTMENT OF VETERANS AFFAIRS

Justification and Approval

For

Other Than Full and Open Competition

1. **Contracting Activity:** Department of Veterans Affairs, NCO 23 and the VAHCS located at 4801 Veterans Drive, Saint Cloud, MN 56303.

This is a Justification for Other Than Full and Open Competition.

2. **Nature and/or Description of the Action Being Processed:** A fixed price purchase order for the acquisition of a UF-500 circuit.
3. **Description of Supplies/Services Required to Meet the Agency's Needs:** Gambro Circuit UF-500 System is used for draining fluids from Cardiac patients. It is used with the AQUADEX CONSOLE.
4. **Statutory Authority Permitting Other than Full and Open Competition:**
 - (X) (1) Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements per FAR 6.302-1;
 - () (2) Unusual and Compelling Urgency per FAR 6.302-2;
 - () (3) Industrial Mobilization, Engineering, Developmental or Research Capability or Expert Services per FAR 6.302-3;
 - () (4) International Agreement per FAR 6.302-4
 - () (5) Authorized or Required by Statute FAR 6.302-5;
 - () (6) National Security per FAR 6.302-6;
 - () (7) Public Interest per FAR 6.302-7;
5. **Demonstration that the Contractor's Unique Qualifications or Nature of the Acquisition Requires the Use of the Authority Cited Above (applicability of authority):** Gambro OEM OF THESE ITEMS. This item is high specialized and used in the OR. This is URGENT for OR Surgical use. This is a unique system that is available through Gambro US Solutions (formally CHF Solutions). They hold the patent on this product. No other manufacturers make compatible products.
6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** Other companies may make similar products, but they are not exactly the same. This product works with our equipment. No other companies make the patented circuits. Other companies *may* make similar systems, but they are not compatible with the AQUADEX CONSOLE.
7. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** The pricing will be compared to that which was found reasonable on previous purchase to determine whether the proposed price is fair and reasonable.

8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** This is the only product which works with the existing equipment that is in place. Research was conducted by Clinicians when purchasing the original equipment and this product was selected because of surgical outcomes. Other products did not meet the clinician's needs or performed to this standard.
9. **Any Other Facts Supporting the Use of Other than Full and Open Competition:** Clinicians are Trained and Certified with this product.
10. **Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:** See Section VI above.
11. **A Statement of the Actions, if any, the Agency May Take to Remove or Overcome any Barriers to Competition before Making subsequent acquisitions for the supplies or services required:** If in the future these items are need, the requesting service will perform market research to see if additional sources can be found to compete this requirement.